

AMENDMENT UNDER 37 C.F.R. §1.111  
U.S. Appl. No. 10/760,374

**AMENDMENTS TO THE DRAWINGS**

Fig. 23 has been amended to exchange the positions of “HIGH” and “LOW” relating to “COUPLING STRENGTH.”

Attachment: 1 Replacement Sheet

**REMARKS**

Applicants thank the Examiner for considering the references submitted with the Information Disclosure Statements filed on January 21, 2004, August 5, 2004 and July 1, 2005.

Applicants also thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119 and receipt of certified copies of the priority documents.

**Drawing Amendments**

In Fig. 23, the gradient for “COUPLING STRENGTH” is opposite that described in the last paragraph on page 11 of the specification. Fig. 23 has been amended to exchange the positions of “HIGH” and “LOW” relating to “COUPLING STRENGTH” consistent with the specification.

**Claim Rejections**

In the outstanding Office Action, the Examiner stated that claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 2002/0136508A1 to Donno et al. (“Donno”).

Applicants do not necessarily agree with all of the Examiner's assertions since they believe that Donno discloses tapering only one of the fibers while the present application claims each fiber is tapered in the fusion prolonged portion. However, to expedite prosecution, Applicants have amended claim 1 so as to include a further limitation as recited in the first wherein-clause. Additionally, Applicants have introduced new claims 15-22 depending directly or indirectly from the amended claim 1. Support for the amended claim 1 is found, for example, at page 15, line 27 to page 16, line 7, and page 16, line 24 to page 17, line 5 in the specification.

Amended claim 1 recites that optical fibers in the plurality of optical fibers are designed such that when the optical fibers are individually fusion-elongated at an elongating ratio in a range of 50% or less, the optical fibers have a propagation constant difference therebetween of  $1 \times 10^{-4}$  rad/ $\mu\text{m}$  or smaller.

Although Donno discloses modifying the cross-section of one of the optical fibers before fusing the optical fibers to make an optical coupler (paragraph 0072), Donno does not teach explicitly or implicitly that such optical fibers are used. Therefore, the invention set forth in the amended claim 1 is not anticipated by Donno.

Accordingly, independent claim 1 is patentable over Donno.

#### **New Claims**

New claims 15-22 have been added. These claims are supported by the withdrawn original claims 2, 3, 4, 10, 11, 12, 13 and 14. New claims 15-22, which depend ultimately from claim 1, are patentable over the prior art at least by virtue of their dependency.

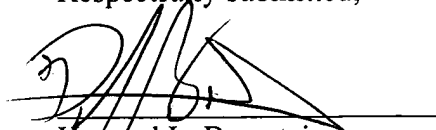
#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Bernstein', is written over a horizontal line.

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: March 2, 2006